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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,608

10/03/2006

Ghattas Youssef Koussaifi

127885

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25944 7590 11/26/2008
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,608	Applicant(s) KOUSSAIFI, GHATTAS YOUSSEF	
	Examiner EDWARD TOLAN	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-13, 17, 18, 30, 33, 35 and 38-57 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 14-16, 19-29, 31, 32, 34, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8-7-2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,12,13,18,26 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the plane" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the vertical direction" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the horizontal direction" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the drum. Applicants' characterization "if the drum" is not a positive recitation of structure.

Claim 26 recites the limitation "the unreeled turns" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 52 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the

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steps. See MPEP § 2172.01. The omitted steps are: the external wall of the drum.

Applicants' characterization "if the external wall of the drum" is not a positive recitation of a method step including a positively recited drum wall.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,10-13,46-50 and 52 rejected under 35 U.S.C. 102(b) as being anticipated by Stockton (2,684,087). Stockton discloses a method and apparatus for manufacturing a metal lattice (fig. 5) by means of a single wire being produced by repeating a motif (C) offset at a pitch in an axial direction thereof comprising a stage at which metal wire is stored (col. 3, line 45), a stage for supplying wire (36,54,57), a shaping stage (28,31,32), a transfer stage (77), a stage at which each motif is retained (74,75, column 4, lines 71-72) and a stage at which the motifs are affixed (82,86). The stage for retaining consists of endless belts (74) having teeth (75). The means for affixing is a transverse welding bridge (89) having welding means (82,86) acting in a vertical direction with respect to a manufacturing line.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7,17,18,30,33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockton (2,684,087) in view of Eichler (4,478,260). Stockton discloses a pulley (57) and means (36) for straightening wire to place it in a straight line but does not disclose a rotary device for winding around a drum and a pivotable shaping drum. Eichler teaches a rotary device (44) for winding around a drum (42, column 3, lines 28-30) and a shaping drum (58, column 3, lines 42-43) that is pivotable by radial spring biased arms (72, column 3, lines 54-55). The arms hold the wire on the shaping drum as the shaping drum is rotated. Eichler teaches concave surfaces (92) on the shaping drum to apply an additional volume of wire to form a cage structure. The shaping drum has means (88) for constraining the wire to conform to the shape of the drum. It would have been obvious to one skilled in the art at the time of invention to substitute the wire supply and shaping drum of Eichler for the roller supply and shaping drum of Stockton in order to shape the wire exteriorly on a shaping drum.

Regarding claim 33, Eichler teaches (fig. 4) a welder having two heads insertable between successive meshes of the lattice.

Claims 2,42-45,51 and 53-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockton (2,684,087) in view of Smith et al. (4,911,209). Stockton does not disclose cutting and computer control. Smith teaches a cutting device (27) and a control system (fig. 14) including optical sensors (240,242) and microprocessor (236) for controlling supply, shaping, cutting and welding. It would have been obvious to one

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skilled in the art at the time of invention to provide Stockton with computer control as taught by Smith in order to automate the lattice forming device.

Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockton (2,684,087) in view of Decoux (4,605,046). Stockton does not disclose a wire re-oriented and fixed to the strip of lattice. Decoux teaches wire (2a) which is reoriented and welded in a parallel direction to wires 1a-1e to form mesh. It would have been obvious to one skilled in the art at the time of invention to provide Stockton with a wire supply as taught by Decoux in order to create a crossing wire for strengthening the motif.

Allowable Subject Matter

Claims 8,9,14-16,19-29,31,32,34,36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

/Edward Tolan/

Primary Examiner, Art Unit 3725

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